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RE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/490,868 01/24/00 KINNEY

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009629  
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1800 M STREET NW  
WASHINGTON DC 20036-5869

TM02/0323

EXAMINER

EELTEN, D.

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

03/23/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

RE  
1- File Copy

**Office Action Summary**

Application No.

09/490,868

Applicant(s)

KINNEY ET AL.

Examiner

Daniel Felten

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) g.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1  
2 1. An acknowledgment is made of the substitute specification filed April 13, 2000. An  
3 acknowledgment is also made of the renumbered claims 9-37. Claims 1-37 are pending and are  
4 examined on their merits.  
5

### *Claim Objections*

6  
7 2. Claims 10-37 objected to because of the following informalities:

8 Re renumbered claims 11-14 and 16-18, line 1: Delete "claim 9", and substitute --claim 10--.

9 Re renumbered claim 15, line 1: Delete "claim 13", and substitute --claim 14--.

10 Re renumbered claims 20-23 and 25-27, line 1: Delete "claim 17", and substitute --claim 19--.

11 Re renumbered claim 24, line 1: Delete "claim 21", and substitute --claim 23--.

12 Re renumbered claim 29, line 1: Delete "claim 25", and substitute --claim 28--.

13 Re renumbered claim 30, line 1: Delete "claim 26", and substitute --claim 29--.

14 Re renumbered claim 31 and 32, line 1: Delete "claim 27", and substitute --claim 30--.

15 Re renumbered claim 34, line 1: Delete "claim 30", and substitute --claim 33--.

16 Re renumbered claim 35, line 1: Delete "claim 32", and substitute --claim 35--.

17 Re renumbered claim 36, line 1: Delete "claim 32", and substitute --claim 35--.

1 Re renumbered claim 37, line 1: Delete "claim 32", and substitute --claim 35--.

2 Appropriate correction is required.

3  
4 ***Claim Rejections - 35 USC § 102***

5 3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form  
6 the basis for the rejections under this section made in this Office action:

7 A person shall be entitled to a patent unless --

8 (e) the invention was described in a patent granted on an application for patent by another filed in the United  
9 States before the invention thereof by the applicant for patent, or on an international application by another who  
10 has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 of this title before the invention  
11 thereof by the applicant for patent.

12 4. Claims 1-5, 7-14, 16-23, and 25-37 are rejected under 35 U.S.C. 102(e) as being  
13 anticipated by Alaia et al (US 6,199,050).

14 Alaia et al discloses, as in claims 1, 10, 19, 28, and 33, a method/system, computer  
15 program of conducting an online auction between a plurality of potential bidders (potential  
16 sellers and a buyer; (see fig. 3), comprising the steps of: (a ) receiving a plurality of bids from  
17 bidders/sellers (see figs. 3, col. 3, lines 29-32 and lines 46-53); (b) ranking/comparing the  
18 bids in order of attractiveness (see current best bid, fig. 8, col. 4, lines 52-60); and (c ) for  
19 each bid, displaying the rank determined in step (b) to the bidder who made the bid (see col.  
20 3, line 64 to col. 4, line 11); (d) transforming the bid into a buyer comparative bid parameter  
21 (see Event code, col. 4, lines 52-60);

1 as in claims 2, 11, 20, 29, and 34, a method, system, and computer system which  
2 determines an ordinal rank for each bid that is displayed to the bidder (see fig. 8, col. 4, lines  
3 52-60; col. 9, lines 3-11; col. 13, lines 53-67; and col. 14; lines 41-49);

4 as in claims 3, 12 and 21, comprises the step of ranking the bids in accordance with  
5 the price of the bids (see fig. 8, col. 4, lines 52-60);

6 as in claims 4, 13 and 22, comprising the step of transforming a bidder comparative  
7 bid parameter into a comparative bid parameter for the originator of the auction (see col. 3,  
8 lines 24-32);

9 as in claims 5, 14, 23 and 35, comprises a step of receiving transformed bid  
10 information (see figs. , col. 8, lines 41-65);

11 as in claim 7, 16 and 25, comprising the additional step of transmitting the rank to the  
12 bidder (see figs. , col. 3, lines 64 to col. 4, line 11);

13 as in claim 8, 17, 26 and 30 comprising the additional steps of repeating steps (b) and (  
14 c ) as new bids are received (see col. 4, lines 61-65);

15 as in claim 9, 18, 27, 32 and 37 comprises the step of displaying a tie rank to the  
16 bidder if the ranking in step (b) results in a tie (see fig. 8); and

17 as in claims 31 and 36, further comprising means for displaying a tie rank to the seller  
18 if a new bid results in a tie rank (see fig. 8).

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. <sup>6,15,24</sup> Claim rejected under 35 U.S.C. 103(a) as being unpatentable over Alaia et al (US 6,199,050) in view of Togher et al (US 6,014,627). The teachings of Alaia et al have been discussed above.

Alaia et al discloses all the limitation of the claims but fails to explicitly disclose, as in claims 6, 15 and 24, the step of receiving a bid price in a base currency, wherein the bid price is originally defined in a local currency of the first bidder. Togher et al teaches a receiving/bidding at a base price in a base currency, wherein the bid price is originally defined in a local currency of the first bidder (col. 6, line 41 to col. 7, line 65). It would have been obvious for an artisan of ordinary skill at the time of the invention to integrate the feature of foreign currency conversion found in Togher et al into the invention of Alaia et al because an artisan at the time of the invention of Alaia et al would recognize that vendors/sellers/bidders

1 connected over the Internet to the system could be from different countries. Such countries  
2 would obviously have different currency, and therefore, an artisan would seek to employ the  
3 use Togher et al's system in order to convert from one currency to another over the Internet.  
4 Thus such a modification, would be an obvious expedient well within the ordinary skill in the  
5 art.

6  
7 ***Conclusion***

8 7. A list of cited references appears below not relied upon in this Office Action:  
9 Martinez et al (US 6,119,229) Discloses a virtual Property bidding system that has currency-like  
10 exchange

11 Fisher et al (US 5,835,896) Discloses a method and system for processing and transmitting  
12 electronic auction information

13 Brett et al (US 6,023,685) Discloses a computer controlled event ticket auctioning system

14 8. Any inquiry concerning this communication or earlier communications from the examiner  
15 should be directed to ***Daniel S. Felten*** whose telephone number is (703) 305-0724. The  
16 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.

17 Any inquiry of a general nature relating to the status of this application or its proceedings should  
18 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor  
19 ***Vincent Millin*** whose telephone number is (703) 308-1065.

20  
21 9. Response to this action should be mailed to:  
22

23 Commissioner of Patents and Trademarks

1 Washington, D.C. 20231

2  
3 for formal communications intended for entry, or (703) 305-0040, for informal or draft  
4 communications, please label "Proposed" or "Draft".

5 Communications via Internet e-mail regarding this application, other than those under 35  
6 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be  
7 addressed to *[daniel.felten@uspto.gov]*.

8 All Internet e-mail communications will be made of record in the application file. PTO  
9 employees do not engage in Internet communications where there exists a possibility that  
10 sensitive information could be identified or exchanged unless the record includes a properly  
11 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly  
12 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and  
13 Trademark on February 25, 1997 at 1 195 OG 89.

14  
15  
16 

17 **Daniel S. Felten**  
18 **March 13, 2001**



**VINCENT MILLIN**  
**SUPERVISORY PATENT EXAMINER**  
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